IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 820 of 2005 (S/S)

Sudesh Kumar Bisht S/o Sri Bharat Singh
R/o Village & Post Domri Via Shaspur
District Dehradun ….Petitioner

Versus

1. Director of Education, Uttaranchal
2. District Education Officer, Dehradun …Respondent

Sri S.S. Yadav, learned counsel for the petitioner
Sri Paresh Tripathi, learned standing counsel for the respondents

Hon'ble B.C. Kandpal, J.

By way of this writ petition, a writ of mandamus has been sought for issuing a direction to the respondents for giving appointment to the petitioner on the post of Shiksha Mitra.

Brief facts giving rise to the this petition are that in the month of September 2004 the applications were invited from the office of the respondent No. 2 i.e. District Education Officer, Dehradun for appointment on the post of Shiksha Mitra- L.T. Grade teachers in Government Inter College. The petitioner also moved an application for the same.

In the month of February 2005, the appointment on the post of Shiksha Mitra were made by the respondent No. 2 but the name of the petitioner was ignored and when the petitioner personally approached to the authorities, they assured him that his case will be considered very soon and call letter will be sent to him accordingly.

The petitioner is an eligible candidate of the post of Shiksha Mitra but he has been informed by the respondent No. 2 orally on 10.03.2005 that his candidature shall not be considered because he has obtained Shiksha Visharad from Sahitay Sammelan, Allehabad. It has also been averred in the writ petition that Hindi Sahitay Sammelan Prayag, Allahabad is a recognized institution and Central Board of Secondary Education has given the recognition to the Shikhas Visharad, Allahabad equivalent to B.Ed. degree.

The petitioner further reveals that the petitoiner moved an application before the respondent No. 2 for considering his name for the post of Shiksha Mitra as he was qualified for the same and has a past experience in the teaching filed. The petitioner has worked as Assistant Teacher since 1987 to 1989 two sessions in G.I.C. Harawala and G.I.C. Lakhwar. The petitioner also filed the experience certificate along with his application.

It has been stated in the writ petition that in spite of approach made by the petitioner personally to the respondent No. 2, nothing has been done as yet hence this writ petition.

Heard leaned counsel for the parties and perused the record.

The petitioner has filed a G.O. No. 176@ek/;fed@2004 dated 24.02.2004 annexed as annexure 2 to the writ petition. Sub-clause-C ¼x½ of the aforesaid G.O. runs as follows:-

"¼x½ ,sls vkdkfyd] tks fo"k; fo'k"k dh fy, ;kX;rk j[krs gks rFkk ftUgksaus d{kk 9&10 esa v/;kiu fd;k gks vFkok mUgsa le; vif'kf{kr jguk dh cksruh Hkh ckn esa if'k{k.k ;kX;rk yh gks] mUgsa vkdkfyd vof/k esa fd;s x;s v/;kiu dk vk/kkj ij f'k{kk cU/k dh :Ik esa fo'k"k vko';drk oky nsjLFk fo|kky;ksa esa ekuns; dk vk/kkj ij dk;Z yus gsrq fopkj fd;k tk ldrk gSA"

Learned counsel for the petitioner has further argued that in view of the clause-C of the aforesaid G.O., the petitioner is a qualified person for the appointment on the post of Shiksha Mitra. It has also been submitted that the experience certificate filed by the petitioner has also been ignored by the respondent No. 2.

In view of the submission advance by the learned counsel for the petitioner as well as the documents filed by him along with this writ petition, I am of the opinion that the writ petition should be finally disposed of at this stage with the direction that the respondent No. 2 should decide the representation of the petitioner in the light of the G.O. which has been quoted in the body of the judgment.

The petitioner is directed to move a fresh representation along with all necessary documents before the respondents No. 2 within a perid of 15 days along with certified copy of the judgment. The respondent No. 2

shall thereafter decide the representation of the petitioner within a period of 30 days by passing the speaking and reasoned order.

Accordingly, the writ petition is finally disposed of.

(B.C.Kandpal, J.)

24.06.2005
ASWAL